

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

RICHARD FRANCIS, *et al.*,

individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

GENERAL MOTORS LLC,

Defendant.

2:19-cv-11044-DML-DRG

Judge David M. Lawson
Magistrate Judge David R. Grand

**GENERAL MOTORS' MOTION TO SUSPEND
DEADLINES PENDING TRANSFERS AND CONSOLIDATION**

Pursuant to Rule 6(b)(1)(A) and Rule 42(a)(3), General Motors LLC respectfully moves to suspend the deadlines in this action, including the June 14, 2019 deadline for GM's responsive pleading, because of the pending transfers and request for consolidation of two other cases. *See* Proposed Order Granting General Motors' Motion to Suspend Deadlines, attached as Exhibit A.

GM relies on the arguments and authorities found in its accompanying brief in support. Pursuant to Local Rule 7.1(a), GM requested plaintiffs' consent to this motion. Plaintiffs' counsel has indicated that they do not object to suspending GM's deadline for responding to the complaint but would not stipulate to all of GM's requested relief and intend to file a response to this motion.

Dated: June 13, 2019

/s/ Kathleen Taylor Sooy

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**MEMORANDUM IN SUPPORT OF
GENERAL MOTORS' MOTION TO SUSPEND
DEADLINES PENDING TRANSFERS AND CONSOLIDATION**

STATEMENT OF ISSUES PRESENTED

1. To conserve the resources of the Court and the parties, should this Court suspend the deadlines in this action, including, specifically, the June 14, 2019 deadline for GM's responsive pleading, because of the pending transfers and request for consolidation of two additional cases?

General Motors answers:	Yes.
This Court should answer:	Yes.

**STATEMENT OF
CONTROLLING OR MOST APPROPRIATE AUTHORITY**

Rules

Federal Rule of Civil Procedure Rule 6(b)(1)(A)

Federal Rule of Civil Procedure 42(a)(3)

Pursuant to Rule 6(b)(1)(A) and Rule 42(a)(3), General Motors LLC respectfully requests that the Court suspend deadlines in this case because of the pending transfers and request for consolidation of two other cases. GM provides the following support for this request:

1. This is one of three parallel class action proceedings filed in different federal courts, including *Duffy et al v. General Motors*, 9:18-cv-81726-RLR (S.D. Fla) and *Shelton v. General Motors*, 19-cv-0918-MN (D. Del.).

2. All three cases make common factual allegations about alleged defects in GM vehicles equipped with 8L45 and 8L90 automatic transmissions.

3. The parties in these cases reached agreement to transfer the *Duffy* and *Shelton* cases to this Court and to seek consolidation of the three cases.

4. On April 12, 2019, GM moved to transfer *Duffy* to this Court under 28 U.S.C. § 1404(a) to be consolidated with this case. On June 6, 2019, Magistrate Judge Reinhart of the Southern District of Florida issued a Report and Recommendation granting GM's motion and ordering transfer of *Duffy* to this Court. *See Duffy et al v. General Motors*, 9:18-cv-81726-RLR (S.D. Fla), Doc No. 55.

5. Counsel for the *Duffy* plaintiffs, who is also counsel in this action, will not object to the transfer.

6. On June 11, 2019, counsel for plaintiffs in *Shelton* also agreed to transfer that case from the District of Delaware to this Court.

7. Counsel for the *Francis* and *Duffy* plaintiffs have confirmed that they have reached an agreement with counsel in *Shelton* to file a single consolidated complaint in this Court.

8. Upon transfer of *Duffy* and *Shelton* to this Court, the parties intend to file joint notices with the assigned judges identifying that the transferred cases are companion cases of this case and requesting their reassignment pursuant to Local Rule 83.11(b)(7). The parties then intend to file a joint motion to consolidate all of the cases pursuant to Fed. R. Civ. P. 42 and Local Rule 42.1.

9. The Court has inherent power to control its docket in an efficient manner, especially when considering the economy of time and effort for itself, for counsel, and for litigants.

10. Granting this motion will allow the parties the opportunity to coordinate for reassignment and consolidation. In doing so, the Court will maintain a manageable docket without wasting resources or undergoing the hardship of reviewing unnecessary and redundant filings from three separate cases that will ultimately be joined as one.

11. To conserve the resources of the Court and the parties, GM respectfully requests that deadlines in the *Francis* action should be suspended, including, specifically, the June 14, 2019 deadline for GM's responsive pleading.

12. Following consolidation, the parties will promptly file a proposed schedule for the filing of a consolidated complaint and GM's response to the consolidated complaint.

13. Pursuant to Local Rule 7.1(a), GM requested plaintiffs' consent to this motion. Plaintiffs' counsel has indicated that they do not object to suspending GM's deadline for responding to the complaint but would not stipulate to all of GM's requested relief and intend to file a response to this motion.

For the foregoing reasons, GM requests that the Court enter the attached proposed order and suspend deadlines in this case pending the transfers and consolidation of *Duffy* and *Shelton* with this matter.

Dated: June 13, 2019

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Counsel for General Motors LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 13, 2019 the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Stephanie A. Douglas

Stephanie A. Douglas

Counsel for General Motors LLC